

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

CLINTON SIPES,

Defendant.

8:06CR68

ORDER

This matter is before the court on the motion for an extension of time by defendant Clinton Sipes (Sipes) (Filing No. 11). Sipes seeks until April 21, 2006, in which to file pretrial motions in accordance with the progression order (Filing No. 7). Sipes's counsel represents that Sipes will file an affidavit wherein Sipes consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Defendant Sipes's motion for an extension of time (Filing No. 11) is granted. Defendant Sipes is given until **on or before April 21, 2006**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **March 23, 2006 and April 21, 2006**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

2. The evidentiary hearing tentatively scheduled for 9:30 a.m. on April 3, 2006, is **canceled** and will be rescheduled, if necessary, following the filing of any pretrial motions in accordance with this order.

DATED this 23rd day of March, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge